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Spotlight on Canadians: Results from the General Social Survey

Parenting and Child Support After Separation or Divorce

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.	not available for any reference period
..	not available for a specific reference period
...	not applicable
0	true zero or a value rounded to zero
0[s]	value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
[p]	preliminary
[r]	revised
x	suppressed to meet the confidentiality requirements of the *Statistics Act*
[E]	use with caution
F	too unreliable to be published
*	significantly different from reference category ($p < 0.05$)

Parenting and child support after separation or divorce

Highlights

- In 2011, approximately 5 million Canadians had separated or divorced within the last 20 years. Of these, about one-quarter (24%) currently had at least one child aged 18 years or younger together.
- Most often, the mother's home was the child's primary residence after a separation or divorce, reported by 70% of separated or divorced parents. Another 15% indicated that the child mainly lived with the father, while 9% reported equal living time between the two parents' homes.
- The majority of parents whose child lived primarily with their ex-partner spent either no time or less than three months in the last year with their child: 18% had no contact with their child and 44% spent some time but less than 3 months.
- Just over one-third (35%) of parents indicated that major decisions on the health, religion and education of their child were made either jointly or alternatively with their ex-partner.
- Parents often had written arrangements on child residency and time sharing, at 59% and 45%, respectively. In 2011, parents were equally as likely to work with lawyers to draft the written arrangement, as they were to go to court for a judge-ordered arrangement.
- Over half (53%) of parents reported fully following the arrangements on time sharing, while another one-quarter (25%) followed them most of the time. The top reason for non-compliance cited was the ex-partner cancelling his or her own time with the child.
- About three-quarters (74%) of separated or divorced parents were satisfied with the time spent with their child. Levels of satisfaction varied based on the actual time spent with the child and the primary residence of the child.
- In 2011, 21% of separated or divorced parents were paying some form of financial support for their children, while 26% were receiving child support. Payment amounts ranged from under $1,000 to over $10,000 a year. Most commonly, child support payments ranged from $3,000 to $4,999 annually, and were paid on a monthly basis.
- Over half (55%) of all written arrangements on child support were registered with a maintenance enforcement program. Registration increased with the level of legal involvement, with 76% of judge-ordered arrangements being registered with a program.

Parenting and child support after separation or divorce

Ending a marriage or common-law relationship can have an impact beyond the couple. In the case of separating and divorcing parents, the post-breakup arrangements can alter the regular and expected routines of children. Children's reactions to these new circumstances can vary, depending on their age and stage of emotional or physical development. Some may experience a lack of understanding and feel confused or anxious, while others may express feelings of sadness, anger or loss (Department of Justice 2013). These issues, along with other child specific needs, are typically considered when developing a parenting plan after the dissolution of a marriage or common-law relationship. The governing principle to be considered, which is recognized and entrenched in international law, is commonly referred to as the 'best interests of the child' (United Nations *Convention on the Rights of the Child* 1989).[1]

Generally speaking, parenting plans identify the living arrangements of the child, the time each parent spends with the child, and the decision-making responsibilities of parents on matters such as schooling, religion and medical care. It may be an informal arrangement, or one that is formalized in writing in an arrangement or court order, either by the parents themselves or through a lawyer, family justice service or a judge. In addition to parenting arrangements, child support must be considered, including the financial obligations of each parent and payment amounts. Similar to parenting arrangements, these responsibilities can be either informally agreed upon or formalized in writing. Both parenting and financial support arrangements can be modified over time, with the changing needs of the child or changes in the situation of one or both parents.

Using data from the 2011 General Social Survey (GSS) on Families, this article examines parenting and child support after separation or divorce, looking at those who have separated or divorced within the last 20 years. A brief national and regional overview of separated or divorced parents is first presented. This is followed by an examination of parenting decisions in the wake of a marital or common-law breakup, including child residency, time-sharing, and decision-making. The next section turns to financial support arrangements for the child, examining payment amounts and schedules. For both parenting and financial support arrangements, issues relating to the presence and type of arrangements are discussed, along with the approaches taken to reach arrangements, compliance and satisfaction with these arrangements. For the purpose of this article, children refer to those aged 18 years and younger.

1. Canada is a ratifying member of the United Nations Convention on the Rights of the Child. Canada signed the Convention in 1989 and it was ratified in 1990.

The law guiding residency, contact, and child support

While the basic decisions on parenting arrangements are similar for parents going through either a divorce or separation, the laws applying to them differ. For divorcing parents, the federal *Divorce Act* applies, whereas for separating parents either from a legal marriage or parents who were never legally married, provincial and territorial laws apply. This essentially means that there are distinct set of rules, guidelines and terminology relating to parenting decisions and child support for the *Divorce Act* and provincial and territorial family law.

About 1.2 million separated or divorced Canadians have children 18 years or younger

According to the 2011 General Social Survey on Families, approximately five million Canadians had separated or divorced within the last 20 years.[2] About half (49%) of these Canadians ended a common-law relationship, 44% a legal marriage and 7% both a common-law union and a legal marriage.[3]

In some instances, these couples had children together. Overall, about four in ten (38%) had a child together at the time of their separation or divorce, with one-quarter (24%) having at least one child aged 18 years or younger together in 2011.[4] This means that in 2011, an estimated 1.2 million Canadian parents were no longer in a spousal or common-law relationship with their child's mother or father.

In general, dissolutions from legal marriages were almost twice as likely as those from common-law unions to currently involve children aged 18 years or younger. Almost one-third (30%) of those separated or divorced from a legal marriage currently had a child together with their ex-spouse. This compares to 17% of separated common-law couples.

2. About one percent of unions were dissolved 20 years ago, meaning that the probability of currently having a child aged 18 or younger is low. The inclusion of these individuals does not have an impact in the calculation of the percentage of separated or divorced people with children.
3. Totals include "don't know" and "refused" categories. Therefore, percentages may not add to 100%.
4. Questions on children were only asked in relation to the last separation or divorce.

Measuring separation and divorce in Canada

Currently, there are multiple data sources that can provide information on separated or divorced Canadians: the Census of Population, the General Social Survey (GSS) on Families and the Civil Courts Survey.[1] These data sources differ in overall objectives, methodology and definitions and as such, can produce different estimates.

The Census measures the current marital status of individuals, both their legal and conjugal status.[2] Legal marital status refers to the marital status under the law (e.g., never married, married, divorced or separated, or widowed). Conjugal status also captures information on individuals living in a common-law relationship for those who are not legally married. The Census does not specifically measure events (getting married or getting divorced) and cannot indicate whether an individual has previously experienced a separation or divorce, namely in those cases where the marital status has changed over time. For example, an individual who is divorced and remarries would be classified as legally married. The Census would not record the divorce.

The current marital status within the Census also does not capture separation from a common-law union. These individuals would fall under other categories, such as single or divorced. However, the leading advantages of the Census are its mandatory-nature, full population coverage, and the corresponding fact that it is not subject to sampling errors.

The GSS on Families provides both the current marital status of individuals (legal and conjugal status), as well as information on whether individuals have previously experienced a divorce or separation. In general, the GSS conjugal marital status categories parallel those of the Census, including married, common-law, widowed, separated, divorced and single (never married). One important difference, however, relates to the separated category. Unlike the Census, the GSS does not explicitly limit the separated category to separation from a legal marriage. The category is interpreted by the respondent and may include those both legally separated and separated from a common-law union.

Along with marital status, events of divorce and separation are captured within the GSS on Families. Specifically, the GSS asks a series of questions on individual's conjugal relationship history, including all legal marriages, common-law unions, separations from either legal marriages or common-law unions, and divorces. This information can then be used to estimate the number and proportion of Canadians who have experienced a separation or divorce in their lifetime. Given that information on dates and years are also captured, it is possible to estimate the number and proportion over specific periods of time.

As with most household surveys, the GSS is a voluntary population-based survey that is subject to sampling errors. Levels of sampling error of any particular estimate are measured and assessed using the coefficient of variation.

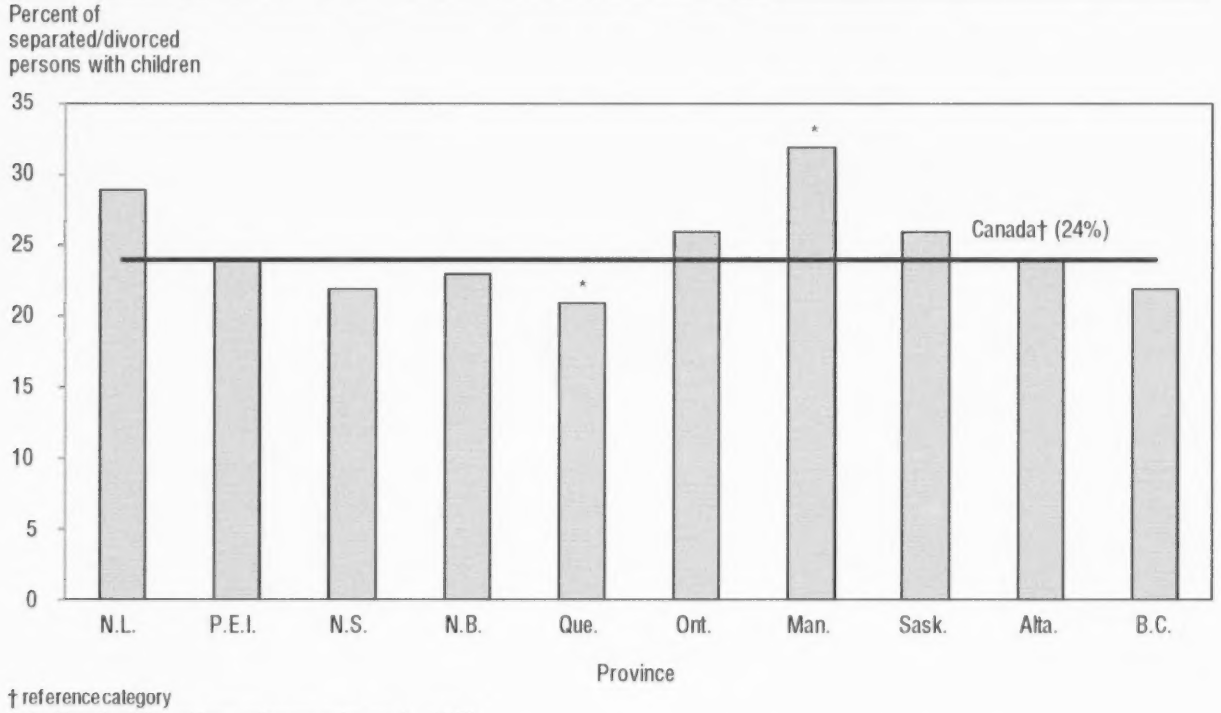
The Civil Courts Survey collects administrative data on the number, rate and characteristics of divorce cases processed in civil courts. It collects microdata on court events at both the superior and provincial and territorial court levels. These data do not capture information on other types of union dissolution, such as separation from a legal marriage or common-law relationship.

1. Until 2008, administrative data on marriages and divorces were collected within Canadian Vital Statistics. These data include information on the number and rate of marriages and divorces, along with such characteristics as the average age of marriage and divorce, duration of marriage for persons divorcing, and reasons for divorce. Collection of this administrative information ended in 2008.
2. To be identified as currently or previously part of a couple, the population must be aged 15 years and over.

Separated or divorced couples in Manitoba most likely to have dependent children

Provincially, the proportion of separated or divorced Canadians who currently had a child together with their ex-spouse or ex-partner[5] somewhat varied.[6] In 2011, Manitoba was above the national average, with close to one-third (32%) of separated or divorced residents having at least one child aged 18 years or younger. Conversely, those in Quebec were less likely to have dependent children with their previous partner (21%) (Chart 1). These regional variations may reflect differences in the type of union dissolutions. Manitoba had a significantly higher proportion of legal marriage dissolutions compared to common-law break-ups, while the opposite was true for Quebec.

Chart 1
Separated and divorced couples in Manitoba most likely to have dependent children



† reference category
* significantly different from reference category ($p < 0.05$)
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. Percentages may not add to 100%. Totals include the "don't know" and "refused" categories, which are not shown in the chart.
Source: Statistics Canada, General Social Survey, 2011.

For the remaining provinces, the percentage of separated or divorced couples who had children together was on par with the national average.

5 For the remainder of this article, the term ex-partner will be used to refer to both ex-spouses and ex-common-law partners.

6 Because the reference period for separation/divorce was the last 20 years, many of the previously separated divorced persons may no longer have children 18 years or younger at the time of the survey.

Half of separated or divorced parents broke-up less than five years ago

Most often, separated or divorced parents with children aged 18 years or younger had experienced a recent break-up. In particular, about half (48%) of parents had separated or divorced within the last five years. For one-quarter (26%) of parents, the relationship with their child's mother or father ended between 5 and 10 years ago, and a further one-quarter (25%) had separated or divorced over 10 years prior to the survey. The age of parents also ranged, with the most common being between 35 and 44 years of age at the time of the survey (40%). The median age of parents was 40 years.

While a separation or divorce can involve multiple children aged 18 and under, the majority (57%) of separated or divorced parents had only one child together at the time of the survey. Having two children together was reported by about one-third (32%) of parents, while three or more children together was reported by 12%.

Improvements in measuring custody, access and child support on the GSS on Families

The 2011 General Social Survey on Families represents the fifth cycle on families within the GSS program and the sixth time Statistics Canada has conducted a household survey on families. The first survey took place in 1984 with the Family History Survey. With each survey, the content is revisited to address data needs and emerging issues and to refine the methodology. Most recently, the methodological approach to measuring custody, access and child support has been improved from the 2006 cycle, the last time the survey was conducted. These methodological improvements limit the ability to monitor changes in issues affecting separated and divorced parents. Consequently, the current analysis represents a snapshot of separated or divorced parents.

Some of the specific changes in 2011 include:

- The reference period for respondents' inclusion in the survey module on custody, access and child support was expanded in 2011. Rather than a five-year reference period as was done in 2006, separated or divorced parents whose union dissolved within the last twenty years who currently had children aged 18 and under were asked questions about custody, access and child support. This allowed for a greater sample and improved the ability to disaggregate the data.
- In 2011, all separated and divorced parents with children aged 18 and under at the time of the survey were asked questions about primary residence of the child, time sharing, decision-making participation and child support, regardless of whether arrangements were in place. By comparison, only those parents who had arrangements in place were asked detailed questions on spending time with and making decisions for their children in 2006. By asking all parents, the analysis in 2011 is more representative of the experience of all separated or divorced parents.
- In 2011, questions on the primary residence of the child were detached from questions on time spent with the child and asked of all separated or divorced parents and not only those with arrangements on time spent. This change from 2006 permits analysis specific to primary residency, notably relating to types of arrangements, which can differ from issues on time spent.

Parenting plans

Mother's home was the most common primary residence of children

Determining the living arrangements of children following a separation or divorce is an important component of a parenting plan and has been commonly understood as 'physical custody'.[7] While the GSS did not specifically ask separated and divorced parents about the custody arrangements for their children, parents were asked about the primary residence of the child, or in other words, where the child lives most of the time.

In 2011, seven in ten separated or divorced parents indicated that the child lived primarily with his or her mother. Another 15% indicated that the child mainly lived with the father, while 9% reported equal living time between the two parents' homes (Table 1).

Table 1
Separated or divorced parents, by primary residence of the child, 2011

	Number ('000s)	Percent
Primary residence of the children		
Mother's residence	824	70
Father's residence	171	15
Time divided equally between parents' home	109	9
Somewhere else	36[E]	3[E]
More than one residence[1]	38[E]	3[E]
Total	1,177	100

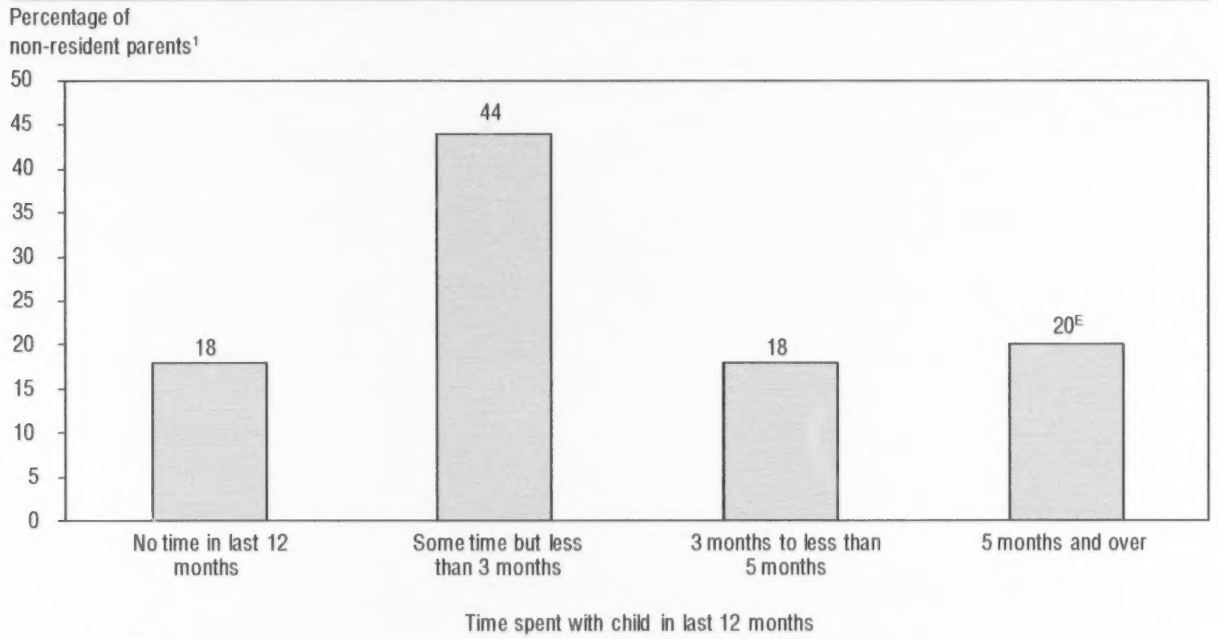
[E] use with caution
1. This category includes parents with two or more children who do not live at the same primary residence.
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. Totals include the "don't know" and "refused" categories, which are not shown in the table. Percentages may not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

Living arrangements are closely linked to questions of access or contact, that is, how much time parents spend with their child.[8] Spending time with the child can include short visits, weekend stays, or longer stretches of time. Among non-resident parents, defined here as parents whose child lived primarily with their ex-partner, most spent less than three months a year with their child.[9] Specifically, 18% of non-resident parents indicated that they did not spend any time with their child within the last year, and 44% stated that they spent some time but less than 3 months. These parents were most often fathers, owing to the fact that they were more likely to be non-resident parents. However, when mothers were the non-resident parent, they were just as likely as their male counterparts to spend no time with their child or some time but less than three months.

In 2011, 18% of non-resident parents reported spending between 3 and 5 months with their child and 20%[E] spent five months or longer or at least 40% of the year with their child (Chart 2). According to the *Divorce Act* and other provincial and territorial legislation that governs separations, parents who spend at least 40% of the time with their children would have shared custody arrangements. At the same time, it is important to note that parents who reported spending five or more months with their children can include those with multiple children who have different visitation schedules, which together total five months or longer. These parents would not necessarily have a shared custody arrangement.

7. The UN Convention on the Rights of Children does not use of the terms 'custody' and 'access', but rather uses the terms 'residency' and 'contact'.
8. Within this article, the terms access, contact and time spent are used interchangeably.
9. Respondents were asked 'how much time did you child spend in your household in the past 12 months' and were able to respond in terms of days, months, or weeks.

Chart 2
Over 60% of non-resident parents spent no time or less than three months with their child in the last 12 months



[E] use with caution
1. Non-resident parents refer to parents whose children primarily resides with their ex-spouse or partner.
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. Totals include the "don't know" and "refused" categories, which are not shown in the chart. Percentages may not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

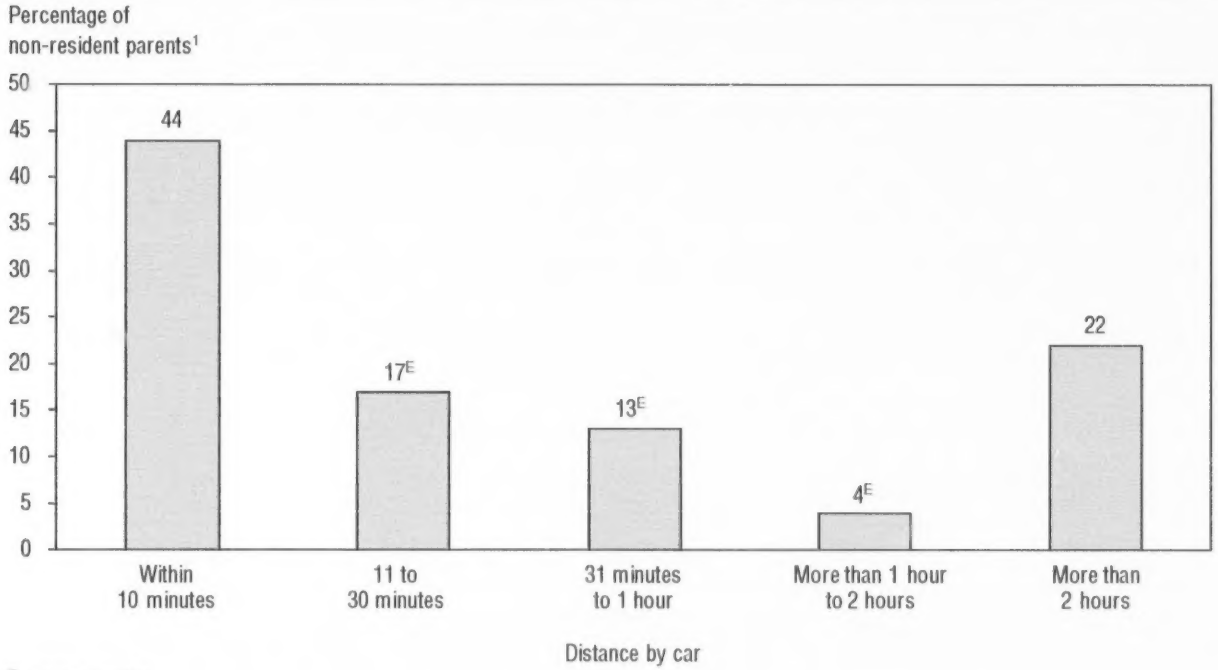
Non-resident parents spending more time with their child typically live nearby

The ease of coordinating and facilitating shared living arrangements, as well as time sharing - whether short visits or lengthier stays - can be influenced by the proximity between ex-partners' homes. In some instances, a maximum distance between residences is stipulated in time sharing arrangements.

Approximately three-quarters (73%) of non-resident parents lived within a one-hour drive from their ex-partner.[10] The most common distance was about 10 minutes by car, with just under half (44%) of non-resident parents reporting this distance (Chart 3). However, living more than two hours from their ex-partner was not uncommon, as reported by 22% of non-resident parents.

10. Distance between parents was asked of separated or divorced parents whose child did not live primarily with them.

Chart 3
Non-resident parents most likely to live within 10 minutes from their ex-partner



E use with caution
1. Non-resident parents refer to parents whose children primarily resides with their ex-spouse or partner.
Note: Information refers to parents who had separated or divorced in the previous 20 years and who still had children aged 18 years or under at the time of the survey. It excludes cases where one parent is no longer living. Percentages may not add to 100%. Totals include the "don't know" and "refused" categories, which are not shown in the chart.
Source: Statistics Canada, General Social Survey, 2011.

In general, non-resident parents who spent longer periods with their child in the last year were most likely to live in close proximity to their ex-partner. Among parents who saw their child at least 5 months in the last year, 76% resided within 10 minutes from their ex-partner. In comparison, 43%[E] of parents spending 3 to 5 months with their child lived within 10 minutes of their ex-partner, while the same was true for 30% of parents who spent less than 3 months.

Similarly, parents whose child spent an equal amount of time between them and their ex-partner were most likely to live close to one another. About eight in ten of these parents lived within ten minutes, while 18%[E] lived within a 30-minute drive.

Just over one-third of parents jointly decided on major child-related issues

In addition to living arrangements and time with children, parenting plans account for separated or divorced parents' participation in major child-related decisions. These rights and responsibilities are legally distinct from any living arrangements or time sharing. For example, parents may not share equal time with their child, but could be equally involved in any major child-related decisions on health, religion/spirituality or education. This situation is generally referred to as joint legal custody or joint decision-making.

In 2011, just over one-third (35%) of parents indicated that major decisions were made jointly or alternatively. Decision-making responsibilities, or its perception, varied between non-resident and resident parents. Almost half (49%) of non-resident parents indicated that decisions were made jointly or alternatively with their ex-partner. In contrast, less than one-quarter (21%) of resident parents claimed the same. In fact, nearly 8 in 10 (76%) said that they were the sole decision-makers. This was true for both resident mothers and resident fathers.

By far, joint or alternating decision-making was most common when the child spent equal amounts of time at the homes of both their mother and father. In this situation, about eight in ten parents (83%) reported that the responsibilities for major child-related decisions were made together, a figure identical for mothers and fathers.

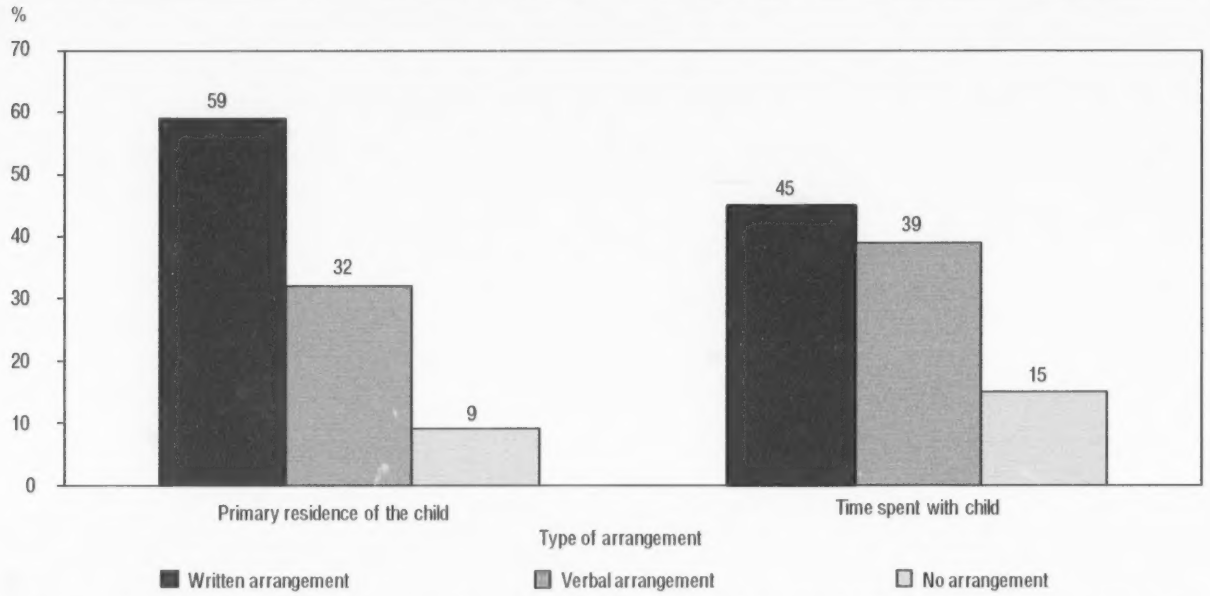
Parents often had written arrangements on primary residence and time spent with children

The General Social Survey asked separated or divorced parents if arrangements or agreements were currently in place for primary residence and time spent with children, and if so, the type of arrangement.[11] Overall, the vast majority of parents had some form of arrangement: 90% for primary residence and 84% for time spent with children. Those divorcing or separating from a legal marriage were generally more likely than their common-law counterparts to have an arrangement in place (92% versus 86% for primary residence, and 87% versus 79% for contact).

Decisions on primary residence tended to be written-down, with more than half (59%) of parents opting to formalize their arrangement in writing (Chart 4). About one-third (32%) had a verbal arrangement for the living arrangements of the child. A similar pattern was seen for issues on time spent with children, which can include frequency of visits, duration of visits and any other conditions, such as time spent with grandparents. In particular, 45% of parents had a written arrangement for time with children, higher than the proportion (39%) strictly relying on a verbal arrangement.

11 Questions on arrangements for decision-making were not asked in the 2011 GSS on Families.

Chart 4
Written arrangements most common approach used in establishing primary residence of the child



Note: Information refers to parents who had separated or divorced in the previous 20 years and who still had children aged 18 years or under at the time of the survey. It excludes cases where one parent is no longer living. Percentages may not add to 100%. Totals include the "don't know" and "refused" categories, which are not shown in the chart.
Source: Statistics Canada, General Social Survey, 2011.

Parents without a written or verbal arrangement for residency were also unlikely to have an arrangement for time sharing.[12] That is, 83% of parents without an arrangement for primary residence also did not have any arrangements for time with the child. The top reasons for a lack of primary residence arrangement were a loss of contact with the other parent (23%[E]) and the belief that the amicable situation between parents made an arrangement unnecessary (18%[E]).

A greater number of reasons were cited for the lack of an arrangement on time sharing. An amicable situation between parents topped the list, with 26%[E] of parents mentioning this reason. This was followed by children's decision (13%[E]), conflict between parents (12%[E]) and a loss of contact with other parent (12%[E]).

Written arrangements more often drafted when non-resident parents spent longer periods with their child

The primary residence of the child had no impact on whether parents had a written arrangement. That is, the proportion of parents with written arrangements on primary residence was similar when children lived the same amount of time with both parents, as when they resided primarily with one parent (Table 2).

12 It is important to note that the absence of an arrangement is based on the respondent's own perception. Child residency issues such as where and how often children live with each parent are at times determined by default in cases where a discussion or decision had not taken place between parents.

Table 2
Separated or divorced parents, by primary residence of the child and type of arrangement on primary residence, 2011

	Written arrangement	Verbal arrangement	No arrangement
	percent		
Primary residence of the children			
Mother's residence	59	32	8
Father's residence	55	32[E]	F
Time divided equally between parents' home	68	31[E]	F
Somewhere else	F	F	56[E]
More than one residence[1]	63	F	F
Total	58	32	9

[E] use with caution

F too unreliable to be published

1. This category includes parents with two or more children who do not live at the same primary residence.
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. Excludes cases where one parent is no longer living. Totals include the "don't know" and "refused" categories, which are not shown in the table. Percentages may not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

On the other hand, written arrangements for time spent were more prevalent when the non-resident parent spent longer periods of time with their child. Just over half (52%) of non-resident parents who reported spending 5 or more months with their child had a written arrangement. In comparison, written arrangements were reported by 11% of non-resident parents with no contact with their child in the last year.

Over one-third of written arrangements drafted with help from lawyers

The process for determining arrangements can partly depend on the type of arrangement. Verbal arrangements are generally more informal or ad hoc approach between parents, whereas written arrangements can involve multiple parties including lawyers, mediators and judges. Indeed, only about one in ten separating or divorcing parents with a written arrangement on the primary residence and contact with their child did not to involve any outside parties (Table 3). In other words, they prepared the written arrangement solely on their own.[13]

13 For questions relating to written arrangements on time spent, a portion of respondents whose arrangement was the same as those for primary residence were excluded. These parents represent 12% of separated or divorced parents with a written agreement on time spent.

Table 3
Separated or divorced parents with written arrangement on primary residence and time spent, by method used to establish arrangement, 2011

	Written arrangements for primary residence	Written arrangements for time sharing[1]
	percent	
Method used to establish written arrangement		
Written arrangement was:		
Prepared by partners alone	10	9[E]
With help of lawyers	35	38
Used court services	13	16
Judgement ordered	40	36
Other	F	F

[E] use with caution
F too unreliable to be published
1. Excludes a portion of respondents whose arrangement was the same as agreements on primary residence. These parents represent 12% of all separated/divorced parents with a written agreement for time spent.
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. The GSS allows multiple responses on the type of written agreement, given that arrangements for different children may be different. However, this table provides information based on the highest level of involvement by courts or legal services. Therefore, percentages for use of lawyers will not include those who also reported using family justice services or courts. Totals include the "don't know" and "refused" categories, which are not shown in the table. Percentages do not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

Involving third parties does not necessarily signify that parents do not agree on the living arrangements and contact with children. Rather in some cases, parents turn to legal professionals to ensure that the written arrangement is legally binding and enforceable. Lawyers can also be used to negotiate arrangements when parents need assistance in setting out the arrangements or in reaching an agreement on their own without going to court. In 2011, over one-third (35%) of parents with a written arrangement on primary residence finalized their arrangement after consulting or working with lawyers, without using the courts. This was similar to the proportion using lawyers for written decisions on time spent (38%).

Another method, albeit less common, to avoid court proceedings was the use of family justice court services. Over one in ten parents with a written arrangement on residency (13%) and time sharing (16%) used mediation, conciliation or alternative dispute resolution services, without turning to the courts.

Using the courts is often considered a last resort for resolving issues of custody and access, and can occur when parents have tried other methods, such as talking to a lawyer or using mediation. Four in ten parents had their written arrangement on primary residence ordered by a judge. A similar proportion (36%) had their written arrangement on time spent with the child determined after a hearing or trial.

The similarity between the approaches taken for reaching written arrangements on residency and time sharing may speak to the fact that these issues are interrelated. In some cases, the arrangements could be the same for both residency and time spent, and are in fact, contained in a single arrangement.

Written arrangements on equal residency between parents less likely to be judge-ordered

According to the General Social Survey, certain written arrangements on residency were more likely to be the result of a hearing or trial. In general, judgement-ordered arrangements were twice as common in cases where one parent's home was the primary residence, compared to those cases where the child resided equally with both parents (43% versus 18%).

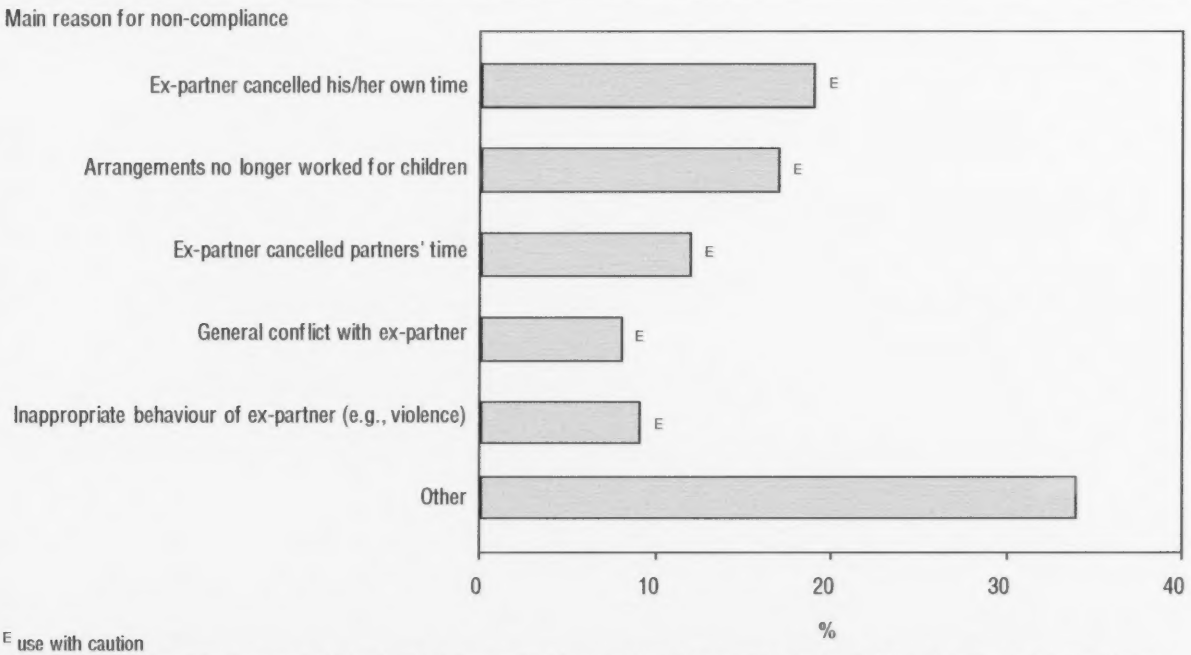
Over-half of parents fully followed time sharing arrangements

Parents with a written or verbal arrangement currently in place for spending time were asked about the degree to which the arrangement was followed.[14,15] More than half (53%) of parents stated that the parties fully followed the time sharing arrangements in the last 12 months, while one-quarter (25%) said that the time spent arrangements were followed most of the time.

For other parents, non-compliance was the norm. In 2011, 9% of parents reported that the arrangements were only followed some of the time, and 12% reported that the time sharing arrangements were either rarely or never followed. Resident and non-resident parents were equally as likely to say that their ex-partner complied or did not comply with the time sharing arrangements.

The reasons cited for non-compliance varied. One in five parents (19%[E]) said that their ex-partner cancelled his or her own time, making it the single most common reason for non-compliance (Chart 5). Conversely, 12%[E] of parents indicated that their allotted time was cancelled by their ex-partner. Other reasons included the arrangements no longer working for the children (17%[E]), inappropriate behaviour of ex-partner (9%[E]) and conflict with ex-partner (8%[E]).

Chart 5
Ex-partner's cancellation of their time with child most common single reason for non compliance with time spent arrangements



[E] use with caution

Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. Excludes a portion of respondents whose arrangement was the same as arrangements on primary residence. These parents represent 23% of all separated/divorced parents with a verbal or written arrangement for time spent. Totals include the "don't know" and "refused" categories, which are not shown in the chart.

Source: Statistics Canada, General Social Survey, 2011.

14. Excludes a portion of respondents whose arrangement was the same as agreements on primary residence. These parents were not asked questions on how often arrangements on time spent were followed and represent 23% of all separated/divorced parents with a verbal or written agreement for time spent.

15. Questions on compliance were only asked in relation to time spent and not primary residence.

Three-quarters of separated or divorced parents satisfied with time spent

Regardless of whether an arrangement was currently in place for time sharing, separated or divorced parents were asked about their satisfaction with the amount of time spent with their children. Overall, about three-quarters (74%) of parents were satisfied with the frequency and duration of the time with their children (Table 4). This satisfaction was often tied to the amount of time spent with the child and whether the parent's home was the primary residence of the child. There was, however, no difference in satisfaction based on the presence or type of arrangement on time spent.

Table 4
Separated or divorced parents' satisfaction with time spent with children, by amount of time spent in the last 12 months, 2011

	Amount of time spent with children in the last 12 months					
	Total	No time	Some time but less than 3 months	3 to 4 months	5 to 8 months	9 to 12 months
	percent					
Satisfied	74	26[E]	46	59	74	91
Dissatisfied	24	67	53	41[E]	26	8[E]

[E] use with caution
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who do not all live at the same primary residence and who separated or divorced within the last 20 years. Percentages may not add to 100%. Totals include the "don't know" and "refused" categories, which are not shown in the table.
Source: Statistics Canada, General Social Survey, 2011.

As would be expected, the more time parents spend with their child, the more satisfied they tend to be. Over the past 12 months, while 26% of parents without any contact with their children reported being satisfied with the situation, the rate of satisfaction was 46% for those spending some time with the child but less than 3 months, and 91% for those spending 9 to 12 months with their child. Among dissatisfied parents, 80% reported wanting to spend more time with their child as the leading reason behind their dissatisfaction.

Intrinsically connected to parent's satisfaction was the primary residence of the child. The overwhelming majority (90%) of parents whose child primarily lived with them were satisfied with the amount of time spent. In contrast, 44% of non-resident parents were generally satisfied, though this proportion increased to 64% for those spending at least five months a year with their child.

In addition to satisfaction with their own time, parents were asked about satisfaction in relation to the ex-partner's time with their children. Two-thirds of parents (64%) reported being satisfied with the ex-partner's time. Resident and non-resident parents had similar satisfaction levels at 63% and 64%, respectively. However, parents whose children spent an equal amount of time with them and their ex-partner were more likely to be satisfied. In particular, 83% of these parents reported being satisfied with their ex-partner's time.

Child support

After the parenting plan has been established, parents must often consider continued financial support for the child. Issues of child support can be more fluid than the parenting plan issues of residency and time with child, in the sense that issues of child support are more likely to be revisited with changes in the financial needs of children and the financial resources of parents (Allen 2013). In 2011, 21% of separated or divorced parents who currently had children 18 years of younger were paying some form of financial support for their children, while 26% were receiving child support. [16]

Determining the parent or parents responsible for child support is usually based on the living arrangements of the child. For instance, parents will typically pay child support if their children primarily reside with the other parent, while they will receive support if the children live mostly with them (Department of Justice 2013).

In 2011, almost two-thirds (64%) of non-resident parents reported that they were currently paying child support, most of whom were fathers (92%). Payments of child support were also reported by 19% of parents whose child spent equal amounts of time with them and the other parent. On the other hand, child support was received by 41% of resident parents. Of these recipients, 93% were mothers.

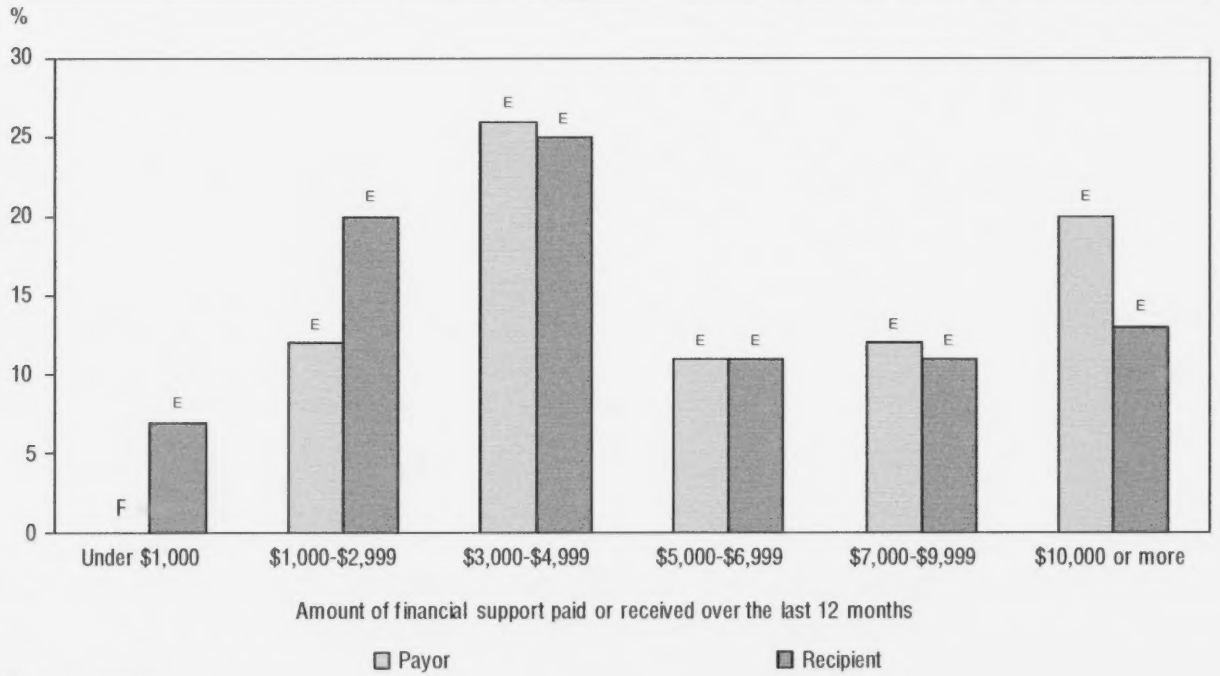
One-quarter of payors report providing between $3,000 and $4,999 annually in child support

In general, financial support has two components: payment amounts (how much) and payment schedules (how often). Over the course of the previous year, child support amounts ranged from under $1,000 to over $10,000. The most common amount varied between $3,000 and $4,999 annually, reported by a similar proportion of both payors and recipients (26% and 25%) (Chart 6).

For the lower limit of child support, parents' perceptions of support payment amounts differed between payors and recipients. Payors were less likely than recipients to report paying between $1,000 and $2,999 (12%[E] versus 20%[E]). Reflecting this difference, the median amounts of child support reported by payors was higher than those reported by recipients ($5,100 annually versus $4,200 annually).

16. These figures excludes those parents both receiving and giving child support. Counts are too small to produce reliable estimates.

Chart 6
Child support amounts most often between $3,000 and $4,999 annually



[E] use with caution
F too unreliable to be published
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), receiving or paying child support at the time of the survey, who separated or divorced within the last 20 years. Totals include the "don't know" and "refused" categories, which are not shown in the chart. Percentages may not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

Monthly payments most common payment schedule

The frequency of payments was reported similarly by payors and recipients. Monthly payments were the most common, with over half (55%) of parents indicating this payment schedule (Table 5). This was followed by biweekly payment at 29%, and weekly payments or payments as-needed at 5%[E] each.

Table 5
Frequency of child support payments, by payments paid and received, 2011

	Payments paid	Payments received	Total - received or paid
	percent		
Frequency of payments			
Weekly	7[E]	4[E]	5[E]
Bi-weekly	27	30	29
Monthly	57	54	55
As needed	F	F	5[E]
Other[1]	F	7[E]	5[E]

E use with caution
F too unreliable to be published
1. Other includes lump sum payments, irregular payments and "other".
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), receiving or paying child support, who separated or divorced within the last 20 years. Totals include the "don't know" and "refused" categories, which are not shown in the table. Percentages may not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

In general, the frequency of payments had a slight impact on the median amount of financial support. For instance, separated or divorced parents receiving monthly payments received about $335, while those receiving biweekly payments received $185 every two weeks or about $401 per month.

Written arrangements established in two-thirds of child support cases

Among those who either currently paid or received child support, the overwhelming majority had some type of arrangement. Only 3% of these parents indicated that there was no written or verbal arrangement on child support. Compared to other arrangements, decisions on financial support were significantly more likely to be established in writing. Over two-thirds (71%) of parents currently either receiving or paying child support had a written arrangement, compared to 58% for primary residence and 45% for time sharing. Verbal arrangements for financial support were reported by one-quarter (25%) of payors and recipients. Whether in writing or verbally agreed, issues related to the amount or schedule of payments are generally determined in child support arrangements.

Payor's personal income and number of children influence payment amounts

While a number of factors can influence whether or not parents decide to draft a written arrangement on child support, the likelihood of a written arrangement was not influenced by the personal income of parents.[17] For example, written arrangements on child support were similar for those earning less than $40,000 annually, as it was for those earning $100,000 or more a year. This was true regardless of whether the parent was paying child support or receiving it.

On the other hand, the personal income of parents did have a bearing on the amount of financial support for children. This is not surprising given that the Federal Child Support Guidelines stipulate that the calculation of child support should consider the personal income of the payor, the number of children and the province or territory where the payor resides (Department of Justice 2013). In 2011, payors earning $100,000 or more a year paid a median amount of $8,000 annually, double the amount paid by parents earning less than $40,000 a year.

17. Includes parents currently paying or receiving child support for children aged 18 years or younger. The personal income of the parents refers to the 12 months preceding the survey, which may differ from their personal income at the time of the agreement.

Also corresponding to the Guidelines was the increase in payment amounts with the greater number of child beneficiaries. Parents supporting one child paid a median amount of $4,200 annually. This figure rose to $6,000 for those supporting two children and $9,000 for those supporting three or more children. While payment amounts may also vary provincially, small counts prevent reliable comparisons between provinces.

Equal proportion of parents use lawyers or the courts to reach a written arrangement on child support

Akin to other arrangements between parents, verbal arrangements on child support are more often informal arrangements between ex-partners, whereas written arrangements more often involve third parties. Also similar to arrangements on primary residence and time with children were the methods used to reach a written arrangement. Almost an equal proportion of parents relied on lawyers to draft their written arrangement (35%), as did those parents whose arrangement was ordered by a judge (37%).[18] Another 18% of parents with written arrangements made use of family justice services, such as mediation and alternative dispute resolution.

Court-ordered child support more likely to be registered with a Maintenance Enforcement Program

The involvement of the family justice system in determining child support can also extend to its enforcement, regardless of whether or not the arrangement was judge-ordered. That is, support agreements can be registered with the courts and can be further enrolled with a maintenance enforcement program (MEP).[19] These provincial and territorial programs provide administrative assistance to both payors and recipients of financial support to ensure compliance (Statistics Canada 2002). Payments are collected by MEPs either directly from the payor or from other sources, such as garnisheeing payor's wages or intercepting federal payments, such as income tax refunds (Kelly 2013). These payments are then provided to support recipients.

According to the General Social Survey, over half (55%) of written arrangements for child support were registered with a maintenance enforcement program among parents currently receiving or paying child support.[20] The likelihood of registration, however, varied widely depending on the method used to establish the written arrangement, with a greater likelihood of enrollment with increased legal involvement.[21] Judge-ordered arrangements were most often registered with a maintenance enforcement program, with three-quarters (76%) of these arrangements being enrolled in the program (Chart 7). This was followed by written arrangements prepared with the help of family justice services at 55%, and those prepared using a lawyer at 39%.

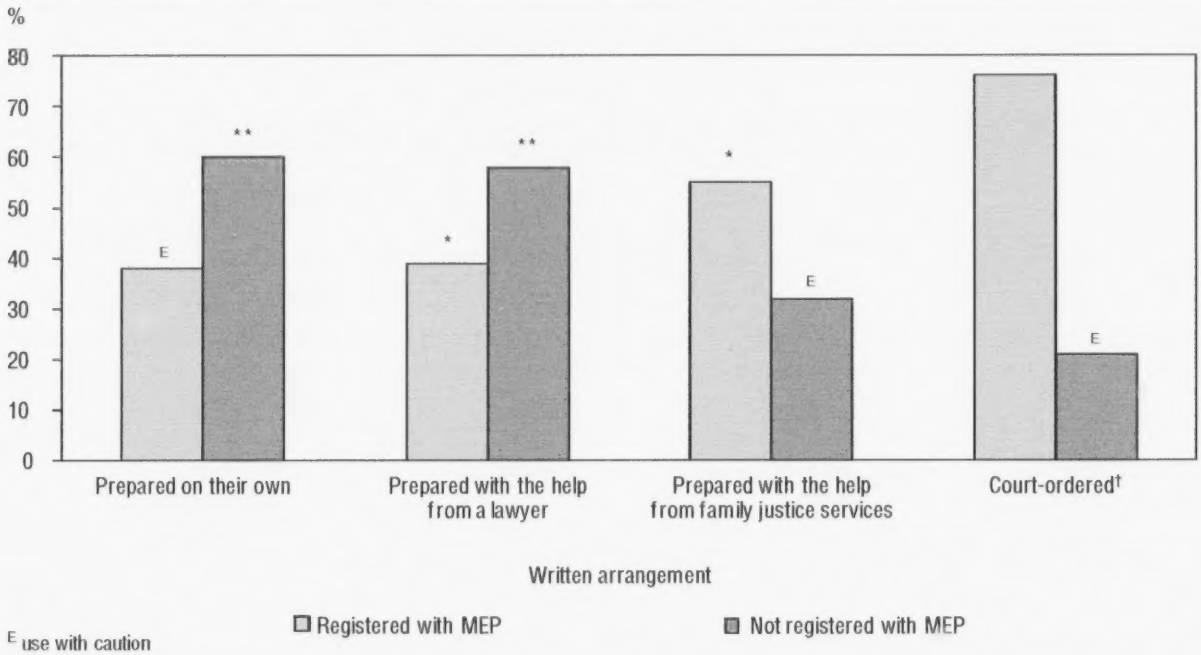
18. Excludes a portion of respondents whose child support arrangement was the same as arrangements on primary residence or time spent. These parents represent 4% of those with a written agreement.

19. In Newfoundland and Labrador, Nova Scotia, New Brunswick, Quebec, Ontario and Manitoba, support orders are automatically enrolled with a maintenance enforcement program. In these provinces, if a maintenance recipient does not wish to use the services of the Program, he or she may opt-out, unless he or she is in receipt of social assistance. In all other provinces and territories, unless the maintenance recipient is in receipt of social assistance, the recipient or payor may choose to enroll in the Program.

20. Excludes a portion of respondents whose child support arrangement was the same as arrangements on primary residence or time spent. These parents represent 4% of those with a written agreement.

21. It is important to note that court-ordered child support arrangements can be enrolled in programs, as well as written agreements between parents that were registered in courts. However, if the agreement was not registered with a court or court-ordered, the agreement is not eligible for enrollment in the programs.

Chart 7
Court-ordered child support arrangements most likely to be registered with a Maintenance Enforcement Program (MEP)



E use with caution
† reference category
* significantly different from reference category - registered with MEP ($p < 0.05$)
** significantly different from reference category - Not registered with MEP ($p < 0.05$)
Note: Includes parents with one or more children (aged 18 years and under at the time of the survey), who separated or divorced within the last 20 years and had a current written agreement for child support. Totals include the "don't know" and "refused" categories, which are not shown in the table. Percentages may not add to 100%.
Source: Statistics Canada, General Social Survey, 2011.

Most often, parents who prepared their written arrangements on their own were unlikely to pursue enrollment in a maintenance enforcement program. Six in ten (60%) of these parents did not register their child support arrangements with a program.

Administrative data on child custody, access and support

Administrative data from the courts provide another source of information on issues of custody, access and child support. These data represent cases where separated or divorced parents turn to the family justice system, and therefore do not include those instances where parents do not involve the courts. According to the Civil Court Survey (CCS), which collects information on family law cases for eight provinces and territories,[1] custody and access issues were the most common child-related cases in civil courts. In 2011/2012, one-third of all family law cases involved issues of custody, access or child support. Recently, there has been a downward shift in the number of new custody, access and child support cases. Between 2005/2006 and 2011/2012, cases initiated in courts dropped 11%.[2]

Data are also available from maintenance enforcement programs for those cases where child support arrangements were enrolled in a program. As of March 31, 2012, there were approximately 400,000 cases of child support enrolled in MEPs across Canada (excluding Manitoba). According to the Survey of Maintenance Enforcement Program (SMEP), cases of child support most often involved one child beneficiary in the nine provinces and territories reporting to the survey (64%).[3] Another 27% involved two children and 8% involved three or more children (Kelly 2013).

Payment obligations were most commonly established on a monthly basis. The median amount due totalled $264 a month for parents supporting one child. This amount increased to $462 for two children and $600 for three or more children. Most payors complied with the monthly payments of support, though 30% did not make any support payment in an average month (Kelly 2013).

1. These include Nova Scotia, New Brunswick, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut.
2. Trend data are based on five provinces and territories that have reported over this period, including Nova Scotia, Ontario, British Columbia, Yukon, and Nunavut.
3. The reporting jurisdictions for this survey are: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Saskatchewan, Alberta, Yukon, Northwest Territories, and Nunavut.

Three-quarters of recipients reported receiving full payment amounts

Compliance with child support arrangements refers to compliance with both payment amounts and payment schedules and was asked of all parents with a child support arrangement, irrespective of its enrolment in a maintenance enforcement program. Overall, perception of compliance with payment amounts in the last year was high, though variation emerged based on whether the parents were the payors or recipients of support.[22]

Nearly all payors (93%) indicated that they fully complied with the financial arrangements, making all required payments in the last 12 months. In comparison, 75% of financial support recipients indicated that they received the full amount. Another 13% of recipients stated that their ex-partner paid half or more but not the full amount, and 8% received less than half the required amount.

Furthermore, full compliance with payment amounts did not necessarily translate into full compliance with payment schedules. About one-quarter (24%) of recipients receiving the full amount said that their ex-partner was sometimes or always late with the payments.[23] Non-compliance with payment schedules was also reported by those receiving partial payments. In particular, 41% of parents indicated that a few payments were missed altogether or not received in full, while 25% reported that most payments were missed.

The type of arrangement had no impact on the level of compliance. That is, the likelihood of compliance with payment amounts, as well as payment schedules was similar between those with verbal and written arrangements.

22. Excludes a portion of respondents whose arrangement on financial support was the same as their arrangements on primary residence and/or arrangements on time spent. These parents represent 3% of all separated/divorced parents with a verbal agreement for financial support and 4% of those with a written agreement.
23. Questions on compliance with payment schedules were only asked to those receiving financial support and not those paying financial support.

Summary

Parents' transition from an intact couple to an ex-partner relationship necessitates the consideration of a number of parenting issues, including living arrangements, time with children, participation in major child-related decisions and financial support for children. Most often, children lived with their mother after a parental break-up, according to information from separated or divorced parents. Parents whose child lived with their ex-partner tended to see their child less than three months in the past 12 months.

Parents' participation in decision-making on major child-related issues tended to be viewed differently depending on where the child primarily resided. Most parents whose child resided with them indicated that they were the sole decision-makers. By comparison, about half of parents whose child resided with their ex-partner indicated that the responsibilities for decision-making were made together or alternatively.

Along with parenting considerations, financial support for the care of children was considered and in place for half of all separated or divorced parents. Child support payments most often totalled between $3,000 and $4,999 annually and were typically paid monthly. Compliance with payment amounts was generally high.

For both parenting issues and child support, arrangements were often established in writing, with few parents indicating that no arrangement existed. A number of methods were used to reach written arrangements, the most common of which were using a lawyer without the use of courts and relying on a judge-ordered decision following a hearing or trial.

Data source

This article is based on Cycle 25 of the General Social Survey (GSS) on Families, conducted in 2011. The target population included all persons 15 years and older living in the ten provinces of Canada, excluding full-time residents of institutions. In 2011, all respondents were interviewed by telephone. Households without telephones or with only cellular phone service were excluded. Based on the most recent Residential Telephone Services Survey (RTSS), conducted in 2010, these two groups combined represented approximately 14% of the target population. This proportion may be higher for 2011 due to the likely increase in cellular-only households.

Once a household was contacted, an individual 15 years or older was randomly selected to respond to the survey. The sample size in 2011 was 22,435 respondents, with 1,055 respondents reporting a separation or divorce within the last 20 years (regardless of whether they remarried) involving at least one child aged 18 years or younger at the time of the survey. Of these, 614 indicated that the primary residence of the child was their own home, 270 indicated that it was the home of the ex-partner and 105 indicated that the children lived equally between the two parents' homes. Unlike the previous family cycle, respondents were not asked about the situation for each child, but rather could provide multiple responses in some cases, such as where the child primarily resided.

The separation or divorce could have occurred outside of Canada, but the respondent (and not necessarily the separated or divorced partner) currently resides in Canada.

Data collection

Data collection took place in 2011. Computer assisted telephone interviewing (CATI) was used to collect data. Respondents were interviewed in the official language of their choice.

Response rates

The overall response rate was 65.8%. Types of non-response included respondents who refused to participate, could not be reached, or could not speak English or French. Survey estimates were weighted to represent the non-institutionalized Canadian population aged 15 years or over.

Data limitations

As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling error. Somewhat different results might have been obtained if the entire population had been surveyed. This article uses the coefficient of variation (CV) as a measure of the sampling error. Any estimate that has a high CV (over 33.3%) has not been published because the estimate is too unreliable. In these cases, the symbol 'F' is used in place of an estimate in the figures and data tables. An estimate that has a CV between 16.6 and 33.3 should be used with caution and the symbol 'E' is referenced with the estimate. Where descriptive statistics and cross-tabular analysis were used, statistically significant differences were determined using 95% confidence intervals.

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